

DECLARATION OF RICHARD H. BURR

Richard H. Burr, under penalty of perjury, declares the following to be true:

1. I am an attorney in private practice in Leggett, Texas. My practice has been devoted entirely to the trial, appellate, and post-conviction representation of defendants in capital cases since 1979. I have represented persons in more than one hundred capital cases in twelve states and in the federal courts during this time. Although my work has been heavily oriented toward post-conviction and habeas corpus proceedings, I have been trial counsel in three capital prosecutions, including *United States v. Timothy James McVeigh*, No. 96-CR-68 (D.Colo.) (the Oklahoma City bombing case), where I was lead counsel for the penalty phase and for penalty-related work. I have argued two capital cases in the Supreme Court of the United States, *Ford v. Wainwright*, 477 U.S. 399 (1986), and *Selvage v. Lynaugh*, 494 U.S. 108 (1990), and served as co-counsel on two others, *Hitchcock v. Dugger*, 481 U.S. 393 (1987), and *Tennard v. Dretke*, 542 U.S. 274 (2004).

2. Because of my experience, I have been retained by the Office for Defender Services of the Administrative Office of the United States Courts to serve as a member of two projects that consult with defense counsel in capital cases – the Texas Habeas Assistance and Training Project, which consults with counsel appointed in capital 2254 cases in Texas, and the Federal Death Penalty Resource Counsel Project, which consults with counsel appointed in capital trial cases in the federal courts. Through these projects, I work approximately 1000 hours each year with appointed counsel.

3. I am providing this declaration in support of the motion to allow the withdrawal of Jani Maselli and appointment of Sadaf Khan as counsel for Luis Perez in *Perez v. Thaler*, No. 1:09-cv-00081, currently pending before this Court.

4. Ms. Khan is an excellent lawyer with the necessary skills to represent Mr. Perez in the continuation of his federal habeas corpus proceeding. I have worked with her in another Texas capital case – she volunteered when she was still an associate with Clark, Thomas & Winters to assist me in my representation of David Lee Powell prior to his execution in 2010 – and I found her to be an exceptional lawyer. Though she has not had the capital appellate or habeas experience usually seen in counsel appointed in 2254 cases, she makes up for that in her talent as a lawyer. Moreover, she understands the legal landscape of capital habeas proceedings and is prepared to devote whatever time is necessary to come up to speed in Mr. Perez's case.

5. As a member of the Texas Habeas Assistance and Training Project, I will be the resource counsel for Ms. Khan in Mr. Perez's case. In that role, I will consult closely with Ms. Khan in her review of the file in Mr. Perez's case and will assist her directly as needed. With assistance as needed from me, I believe Ms. Khan will provide excellent representation to Mr. Perez.

I declare under penalty of perjury that the foregoing representations are true and correct.



Signed February 9, 2011

Richard Burr